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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE EASTERN DISTRICT OF CALIFORNIA
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7 ROBERT TUNSTALL,

8 Petitioner,

9 vs.

10 TERESA A. SCHWARTZ, et al.,

11 Respondents.

No. 2:04-CV-2658-RRB-JFM P

ORDER

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13 Petitioner Robert Tunstall ("Petitioner") is a state
14 prisoner proceeding pro se with an application for a writ of habeas
15 corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a
16 United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B)
17 and Local General Order No. 262.

18 On February 15, 2008, the Magistrate Judge filed Findings
19 and Recommendations (Docket 33) herein which were served on all
20 parties and which contained notice to all parties that any
21 objections to the Findings and Recommendations were to be filed
22 within twenty days. Petitioner has filed Objections to the
23 Magistrate's Findings and Recommendations at Docket 34.

1 Inasmuch as the Court concludes the issues before it are
2 based in law, i.e., legal disputes, and in accordance with the
3 provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-304, the
4 Court has conducted a de novo review of the relevant pleadings
5 filed in this matter. Having carefully and thoroughly reviewed the
6 same, the Court finds the Magistrate's Findings and Recommendations
7 at Docket 33 to be supported by the record and by proper analysis.

8 Accordingly, **IT IS HEREBY ORDERED** that:

9 1. The Findings and Recommendations at Docket 33, filed
10 on February 15, 2008, are adopted in full; and

11 2. Petitioner's application for a writ of habeas corpus
12 is **DENIED**.

13 ENTERED this 14th day of March, 2008.

14 S/RALPH R. BEISTLINE
15 UNITED STATES DISTRICT JUDGE
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